

2-100
ORIGINAL

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

Tyrone P. James
Plaintiff

v.

York County Police Department,
James H. Morgan, Richard
Peddicord, Raymond E. Craul,
Fene Fells, Detective Kessler,
C.O. Baylark, Randy Snipes,
Brian Westmoreland, and
Detective Glowczeski
Defendants

1:01-cv-1015
J. Kane/
mag J. Mannon

FILED
HARRISBURG, PA

APR 02 2003

MARY E. D'ANDREA, CLERK
Per 4/8
Deputy Clerk

PLAINTIFF MOTION IN RESPONSE TO THE MAGISTRATE JUDGE
REPORT AND RECOMMENDATION, AND DEFENDANT'S RESPONSE

Plaintiff had reviewed the report and recommendation of the Magistrate Judge's proposed findings and recommendations and report, dated March 13, 2003 and hereby addresses a motion as described in 28 U.S.C. § 636 (b)(1)(B). The Briefing requirements are set forth in local rule 72.2.

STATEMENT OF CASE

On June 8, 2001, the Plaintiff, a former inmate of the York County Prison, now confined at the State Correctional Institution at Rockview, in Bellefont, PA. filed a Civil Rights action pursuant to 42 U.S.C. § 1983, wherein Plaintiff alleges various Constitutional violations, under the Fourth, Fifth, Sixth, Eighth,

and Fourteenth Amendment.

The Defendants named in the above captioned matter, sued in their individual capacities, were ordered to be served a copy of this complaint by the Honorable District Judge Kane, on September 18, 2001.

The procedural history of this civil matter has been set forth in the Magistrate Judge Proposed findings, Recommendation and Report, addressing case dispositive motions, dated March 13, 2003.

PLAINTIFF ADDRESSES THE FOLLOWING ISSUES

Questions Presented

1. Whether Plaintiff's Sixth Amendment claim, related to denial of counsel, prior to initiation of formal Judicial Proceeding, be permitted to proceed?
2. Whether the Magistrate Judge erred in recommending that Fourth Amendment claim of excess use of force should survive as to all state defendants?
3. Whether Magistrate Judge erred in concluding that Plaintiff's Eighth Amendment excessive bond claim should survive against state defendants?

I

Whether Plaintiff's Sixth Amendment claim related to denial of counsel prior to initiation of formal Judicial Proceedings be permitted to proceed.

For a complaint to survive a "Motion to Dismiss" challenge, the

complaint must state a prima facie case that avers sufficient facts, that if reviewed, would entitle the prisoner to relief.

The court is required to review the alleged facts "In the light most favorable" to the claimant (Plaintiff) and only dismiss the action if it appears inconceivable that the Plaintiff could produce reliable evidence justifying relief under any legal theory. *Conley v. Gibson*, 355 U.S. 41, 78 S.Ct. 99 & L.Ed.2d. 80 (1957) See Also *Gainey v. Brotherhood of r. and SS. Clerks, Etc.*, 177 F.SUPP. 421, Affirmed 275 F.2d. 242 (3rd Cir. 19).

The Sixth Amendment right to counsel attached at the initiation of "adversarial Judicial Proceedings" whether by way of formal charge, preliminary hearing, indictment, information, or arraignment. See *Kirby v. Illinois*, 406 U.S. 682, 689(1972); *Moore v. Illinois*, 434 U.S. 220, 229-31(1977); *Brewer v. William*, 430 U.S. 387, 401(1977); *U.S. v. Leon-Delfis*, 203 F.3d. 103, 110 (1st Cir. 2000); *Matteo v. Superintendent*, 171 F.3d. 877, 892-93(3rd Cir. 1999); *Self v. Collins*, 973 F.3d. 1198, 1206 (5th Cir. 1992); *U.S. v. Harrison*, 213 F.3d. 1206, 2114 (9th Cir. 2000) (Right to counsel attached at indictment). This occurred when Plaintiff was taken to the Magistrate's Office, where charges were filed and bail set, or on February 22, 2001 at a Preliminary Hearing before District Justice Heliman. Plaintiff was officially arrested on January 10, 2001, at 10:35 AM, at the Mail Boxes, etc, located at 2536 Eastern Blvd., York, PA, from whence Plaintiff was taken to the York County Police Department and "formally" charged with "Criminal attempt to possess" a "make-shift box",

which had been placed in his mail box by said Defendant's. Plaintiff requested, numerous times, during interrogation, before, and after booking, while he was at the York County Police Department, in the custody of Defendants James H. Morgan and Detective Raymond E. Craul, he was repeatedly, intentionally, and deliberately denied use of the telephone, and thus to counsel by the Defendants. Nine and one half hours later, Plaintiff was taken to be arraigned at the District Justice's Office. He was arraigned before Justice Kessler of Springettsbury Township. At this time bail was set. See Exhibit "D". Following arraignment, while in the admission/intake section of the York County Prison, Plaintiff once again requested counsel, and his right to use the telephone, in order to phone his attorney, his immediate family, to inform them of his immediate situation, and to arrange for bond. It was at this time that Defendant Morgan instructed Defendant Baylark: "Not to give James any phone calls pending investigation." (See Exhibit "A", Plaintiff Objection Brief to Magistrate Judge Report and Recommendation, to Defendant Baylark.) Plaintiff was repeatedly, deliberately, and intentionally denied access to the use of a telephone, a substantial procedural Due Process right afforded by the Fourteenth Amendment to The United States Constitution, commencing with the initiation of adversarial judicial proceedings. In this case this occurred when Plaintiff was arrested, charged, formally, with a criminal offense, a police criminal complaint was issued, or bail was set. (See Exhibit "D"). The next morning, January 11, 2001, the Plaintiff was subjected to almost continuous inter-

rogated by Defendant Morgan, and still was not allowed to contact an attorney. This, even though it is a well known fact that arrestees have a right to telephone an attorney. See *Moore v. Market Place Restaurant, Inc.*, 764 F.2d. 1336, 1349 (7th Cir. 1985)

In this case the Plaintiff had completed the booking procedure at the York County Police Department and at the York County Prison, had been arraigned, and bail set. *Strandberg v. City of Helena*, 791 F.2d. 744, 747 (9th Cir. 1986); *State Bank of St. Charles v. Vamic*, 712 F.2d. 1140, 1144 (7th Cir.).

Pennsylvania Rules of Criminal Procedure, Rule 540 (E)

(G) states: "After the preliminary arraignment, if the defendant is detained, the defendant shall be given an immediate and reasonable opportunity to post bail, secure counsel, and notify others of the arrest."

Reasonable opportunity to mean: access to a telephone.

Pretrial detainees have a right to reasonable access to the telephone. See *Tucker v. Randall*, 948 F.2d. 388, 390-91 (7th Cir. 1991); *Feeley v. Sampson*, 570 F.2d. 364, 374 (1st Cir. 1978); *Johnson v. Galli*, 596 F.Supp. 135, 138 (1) Nev. 1984); *Stewart v. Gates*, 450 F.Supp. 553, 586 (C.D. Cal. 1978); remanded, 618 F.2d. 117 (9th Cir. 1980); *Moore v. Janing*, 427 F. Supp. 567, 576 (d. Neb. 1976); *Brenneman v. Madigan*, 343 F.Supp. 128, 141 (N.D. Cal. 1972); *Bell v. Wolfish*, 441 U.S. at 548/

Plaintiff was denied telephone access for the first seventy-two critical hours of his arrest, including when he was being interrogated and preliminarily arraigned, by Defendants Morgan Cruel, at both the Police Station and the District Justice' office

and later by Defendants Morgan and Baylark at the York County Prison. This implies a blatant and total disregard for Plaintiff's Sixth Amendment right to counsel and due process rights guaranteed by the Eleventh Amendment to the United States Constitution and the Pennsylvania Constitution Article One, Section 9, and the Pennsylvania rules of Criminal Procedure, Rule 540 (f)(g), by Defendants Morgan and Batlark, and Crant. In U.S. v. Klat, 156 F.3d. 1258(D.C. Cir. 1998, Defendant has right to counsel at every critical stage of criminal prosecution; U.S. v. Wade, 388 U.S. 218, 224 (1967); Powell v. Alabama. 287 U.S. 45, 57, 69 (1932). THEREFORE Plaintiff believes that Defendant's Motion To Dismiss, should be denied with respect to this claim.

II

Whether the Magistrate Judge erred in recommending that Fourth Amendment claim of excessive use of force should survive as to all state Defendants.

The Magistrate Judge, did not err by recommending that, "The use of excessive force should proceed. In his report and recommendation to the court.

Each Defendant knowingly and intentionally deprived Plaintiff of his right of liberty by, "seizure of his person" and property. The Defendants undoubtedly intended that the Plaintiff be constrained and confined, incommunicado, and that his property be searched. The allegation of excessive force was applied maliciously and sadistically, for the very purpose of causing harm to the Plaintiff, during his arrest on January 10, 2001, at

10:35 AM, at 2535 Eastern Blvd, in York, Pennsylvania. See *Broweiz v. County of Inyo*, 489 U.S. 593, 109 S.Ct. 1378, 1381, 103 L.Ed. 2d. 628 (1989); *Rev'q* 817 F.2d. 540 (9th Cir.1087); *Cohen v. Norris*, 300 F.2d. 24 (9th Cir. 1962); *Gillard v. Schmidt*, 579 F.2d. 825 (3rd Cir. 1978).

The Defendants, in their "Motion to Dismiss", allege that Plaintiff failed to identify Defendants in his Complaint. See *Rizzo v. Gooble*, 423 U.S. 362 (1976). However Plaintiff asserts that all defendants were involved in his seizure and took an active role therein, Plaintiff's "Opposing Motion to Defendant's Motion to Dismiss." Defendants Kessler, Morgan, Craul, Peddicord, Glowczewski, and Westmoreland had knowledge of and acquiesced in effectuating the seizure of Plaintiff on January 10, 2001. See *Parraxr v. Taylor*, 451 U.S. 527, 537 n. 3, 101 S.Ct. 1908, 1913 n. 3, 68 L.Ed.2d. 420 (1981); *Hampton v. Holmsburg Prison Officials* 546 F.2d. 1077, 1082 (3rd Cir. 1976); *United States ex rel Smith v. Robinson*, 495 F. Supp. 696, 698 (Ed. PA. 1980); *Monroe v. Pape*, 365 U.S. 167, 81 S.Ct. 473, 5 L.Ed. 2d. 492 (1961); *Curtis v. Everette*, 489 F.2d. 516, 518 (3rd Cir, 1973) Cert Denied; 416 U.S. 995 (1974); *Cox v. Tradway*, 75 F.3d. 230 (6th Cir. 1996; *Grandreault v. Municipality of Salem Mass.* 923 F.2d. 203, 207 N. 3(1st Cir.1990); *Commonwealth of Pennsylvania v. Proter*, 659 F.2d. 306, 321-22 (3rd Cir. 1981) Cert. denied; 458 U.S. 421 (1982).

A complaint should not be dismissed on the "face of its complaint"; rather the court should allow discovery materials which could prove the allegations which the plaintiff made in

his complaint. See *Martinez v. Mancusi*, 443, F.2d.921 (2nd Cir. 1970) Cert. denied; 401 U.S. 983, 991 S.Ct. 1202, 28 L.Ed. 335 (1971). Discovery material included: transcripts, sworn testimony, police complaint, and affidavit filed on January 10, 2001 by said Defendants. U.S. ex rel Thompson v. Columbia/HCA Health Care Corporation, 125 F.3d. 899 (5th Cir. 1999), *Bains v. Kerner* 404 U.S. 519, 36 L.Ed. 2d. 652, (2 S.Ct. 594 (1972). Complaint should not be dismissed unless it appears beyond doubt that Plaintiff can prove no set of facts in support of his claim which would entitle him to relief.

Plaintiff in this matter has shown that a seizure occurred on January 10, 2001 and that during said seizure excessive force was used, in that the named defendants intentionally, knowingly, and deliberately struck Plaintiff with a truck, knocking him to the ground, following which they proceeded to trample him. Also, said Defendants were all personally involved in setting up the surveillance of Plaintiff's box at Mail Boxes, Etc. Although Defendants Kessler and Morgan masterminded this operation, all named defendants were personally involved and equally culpable in the wrongdoing, when they obeyed the order to "take plaintiff down by any means necessary" (Trial transcript, November 15, 2001), on January 10, 2001. See *Parratt v. Taylor*, 451 U.S. 527. 537 n. 3, 101 S.Ct. 1906, 1913 M.3, 68 L.Ed. 2d. 820 (1981).

At the time of his arrest, Plaintiff was in fear for his life and of grave bodily injury, while the above named Defendants apprehended him.

To state a claim for excessive force as an unreasonable

seizure, under the Fourth Amendment, a plaintiff must show that seizure occurred and that it was unreasonable. See United States Constitution, Amendment 4. Also see *Graham v. Connor*, 490 U.S. 386, 395, 109 S.Ct. 1865 (1989); *Abraham* 183 F.3d. at 288; *Estate of Smith v. Marasco*, 318 F.3d. 497 (3rd Cir. 2003); *U.S. v. Mendonall*, 446 U.S. 544, 554 (1980); *Michigan v. Chessernut*, 486 U.S. 567, 578 (1988)

Personal involvement can be shown through allegations of personal directions or of participation, knowledge of, and acquiescence to an act or acts of wrong doing. I.e. Defendants Morgan, Westmoreland, and others tackling Plaintiff and trampling him following his being struck to the ground by a van driven by Defendant Glowezwski.

Defendants violated plaintiff's right to substantive due process under the Fourteenth Amendment to the United States Constitution and under the state created "Danger Doctrine" to be free from the use of excessive force and unreasonable search and seizures. See *Estate of Smith v. Marasco*, *Supra*; *Graham v. Connor*, *Supra*.

The Plaintiff further alleged a deprivation of his civil rights in that: The above named defendants, which are being sued in their individual capacities, did not at any time before their initial assault on the Plaintiff with the van, nor during the subsequent trampling, identify themselves as police officers. At the time of the incident instantly at hand, the defendants were not in uniform, and appeared to be common street thugs. See *Donahue v. Gavin*, 280 F.3d. 371, 378 (3rd Cir. 2002); *Cgouting*

County of Sacramento v. Lewis, 523 U.S. 833, 841 N. 5, 118 S.Ct. 1708, 1714 N. 5, 140 L.Ed. 2d. 1043 (1998).

In light of the facts, Plaintiff's claim on this issue, should not be dismissed.

Defendant's denied any involvement in the setting of bail at any stage of the Plaintiff's arrest, and that on January 10, 2001 bond was set solely by the District Justice; however, Defendants Craul and Morgan pointedly asked the District Justice to set a "High bond" even though the information on the Affidavit of Probable Cause was tainted and insufficient justification to arrest the Plaintiff. Further on January 12, 2001, Defendant's Peddicord and Morgan SPECIFICALLY asked a second District Justice to set a cash only bail. These Defendants played a key role in, and were influential in the choice of the amount and type of bail set by the District Justice and should be held accountable, due to their sworn testimony to the District Justice regarding the tainted information on the affidavit of probable cause, which resulted in the Plaintiff's bail being set in excess of 2.5 million dollars, cash only. This violated Plaintiff's right to a reasonable bail, and was also deliberately indifferent, and a violation of the Eighth Amendment to the United States Constitution.

Government action depriving an individual of life, liberty, or property, must be implemented in a fair manner and not be ARBITRARY. See United States v. Salerno 481 U.S. 739, 95 L.Ed. 2d. 697, 107 S.Ct. 2095.

Plaintiff's right to a fair and reasonable bond was violated due to the Defendants presenting tainted information and using undue influence at the time bond was set in the excessive amount of 2.5 million dollars cash only. This would lead one to the conjecture Plaintiff was being impermissibly punished even before his trial. See *Bell v. Wolfish*, 441, U.S. 520, 535 and N. 16; 60 L.Ed. 2d. 447, 995.

Further Defendant's claimed that on September 18, 2001, the Honorable Judge Kane dismissed that portion of the Plaintiff's complaint seeking injunctive relief, because she felt it was an attempt "To end, or alter his state prosecution and confinement" See September 18, 2001 order at page 6.

This Plaintiff never asked this Honorable Court for injunctive relief, as to excessive bond issues, See September 18, 2001 memorandum and order, at page 2, and Plaintiff's complaint filed June 8, 2001 at page 3 and 5, this was an Eighth Amendment claim filed by Plaintiff.

In light of these facts Plaintiff's claim on this issue should be allowed to proceed.

CONCLUSION

The Defendants have challenged Plaintiff's initial complaint filed on June 8, 2001. The courts have held that: Pro Se litigant pleadings are to be construed liberally and held to less stringent standards than formal pleadings drafted by lawyers; if court can reasonably read pleadings to state a valid claim on which

litigant could prevail, it should do so despite failure to cite proper legal authority, confusion of legal theories, poor syntax, and sentence structure, or litigant's unfamiliarity with pleading requirements. See *Boact v. MacDonald*, 454 U.S. 364, 70 L.Ed. 2d. 561, 102 S.Ct. 700 (1982); *U.S. v. Seesiner* 234 F.2d 456 (9th Cir. 2000); *McBride v. Daer*, 240 F.3d. 1237 (10th Cir. 2001); *Hanes v. Kerner*, 404 U.S. 529, 30 L.Ed.2d. 632, 92 S.Ct. 594 (1972)

Plaintiff has made a conscious effort to identify all Defendants that engaged in the use of excessive force during his arrest, name those Defendants that took an active part in conspiring to deny Plaintiff his Constitutional rights while effectuating his arrest, and during booking, processing, hearings, and confinement at the York County Prison.

WHEREFORE, Plaintiff respectfully prays that this Honorable Court deny Defendant's Motion to Dismiss and in light of the above presented issues, grant an ORDER permitting Plaintiff's complaint to proceed to trial.

Respectfully submitted,

Tyrone James

DATED: March 27, 2003

Tyrone P. James
EX-9451
Box "A"
Bellefonte, PA 16823-0820

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

Tyrone P. James
Plaintiff

v.

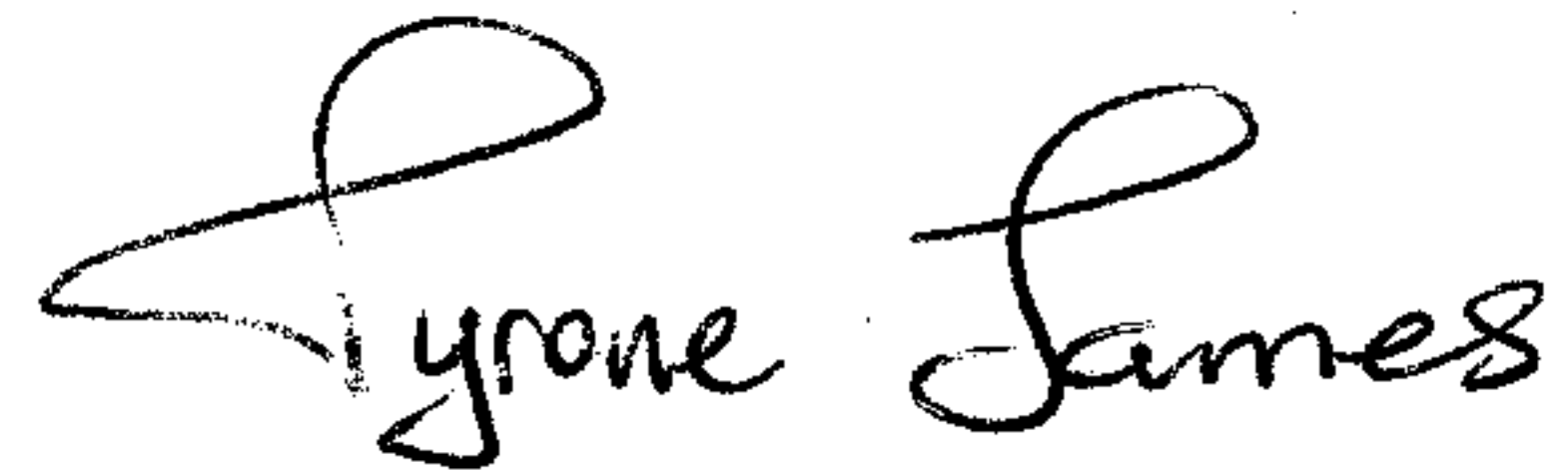
Civil Action No. 1:01-1015
(Kane, District Justice)
(Mannion, Magistrate Judge)

York County Police Department
James H. Morgan, Richard
Peddicord, Raymond E. Craul,
Gene Fells, Detective Kessler, C.O. B
C.O. Baylark, Randy Snipes,
Brian Westmoreland, and
Detective Glowczeski
Defendants

VERIFICATION

I, Tyrone P. James, verify, under penalty of perjury, that
the foregoing petition is true and correct to the best of my
knowledge and belief, pursuant to 28 U.S.C. 1746.

Respectfully submitted,



DATED March 27, 2003

Tyrone P. James
EX-9451

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

Tyrone P. James
Plaintiff

V.

Civil Action No. 1:01-1015
(Kane, District Justice)
(Mannion, Magistrate Judge)

York County Police Department,
James H. Morgan, Richard
Peddicord, Raymond E. Craul,
Gene Fells, Detective Kessler,
C.O. Baylark, Randy Snipes,
Brian Westmoreland, and
Detective Glowczeski
Defendants

CERTIFICATE OF SERVICE

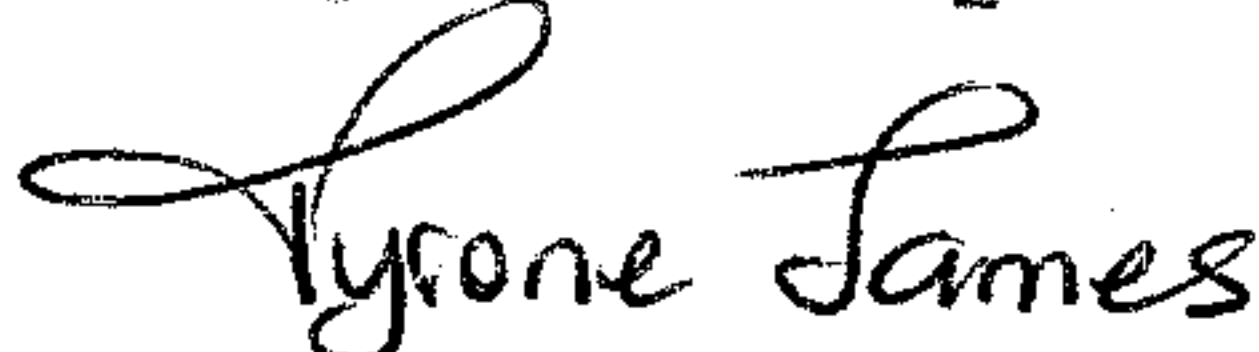
I, Tyrone P. James, certify under penalty of perjury, that the foregoing Plaintiff Motion in Response to the Magistrate Judge Report and Recommendation, and Defendant's Response, is true and correct to the best of my knowledge and belief, pursuant to 28 U.S.C. 1746, and was caused to be served upon the persons named below By United States Mail First Class, postage prepaid, on this 27th day of March, 2003.

Office of the Clerk
United States District Court
Middle District of Pennsylvania
228 Walnut Street, P.O. Box 983
Harrisburg, PA 17108

Donald L. Reinhart, Esq.
Law Offices of Donald L. Reinhart
3015 Eastern Avenue
York, PA 17402

Linda S. Loyd, Esq.
15th Floor
Strawberry Square
Harrisburg, PA 17120

Respectfully submitted,


Tyrone P. James

Tyrone P. James
Civil Case No. 1:CV-01-0115

1015

2 to cv
ORIGINAL

FILED
HARRISBURG, PA

APR 02 2003

MARY E. D'ANDREA CLERK
Per g/c Deputy Clerk

EXHIBIT
"D"

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF YORK



JAN 16 2001
POLICE
CRIMINAL COMPLAINT

Magisterial District Number:

19-02-01

District Justice Name: Hon.

Harold D. Kessler

Address: 110 Pleasant Acres Road
York, PA 17402

Telephone: (717)840-7233

CR-25-01-400

Docket No.: CR-0000035-01-201

Date Filed: January 10, 2001

OTN: L 080216-3

COMMONWEALTH OF PENNSYLVANIA
VS.

DEFENDANT:

NAME and ADDRESS

Tyrone Phillip James

565 W. Market Street
3rd Flr.
York, PA 17404

Defendant's Race/Ethnicity <input checked="" type="checkbox"/> White <input checked="" type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> Native American <input type="checkbox"/> Hispanic <input type="checkbox"/> Unknown		Defendant's Sex <input type="checkbox"/> Female <input checked="" type="checkbox"/> Male	Defendant's D.O.B. 05/18/1962	Defendant's Social Security Number 605-26-3818	Defendant's SID (State Identification Number)
Defendant's A.K.A. (also known as)		Defendant's Vehicle Information Plate Number State Registration Sticker (MM/YY)		Defendant's Driver's License Number State CA C2083017	
Complaint/Incident Number	Complaint/Incident Number if other Participants			UCR/NIBRS Code	

District Attorney's Office ☐ Approved ☐ Disapproved because:

(The district attorney may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. Pa.R.Cr.P. 107.)

(Name of Attorney for Commonwealth-Please Print or Type)

I, Raymond E. Craul

(Signature of Attorney for Commonwealth)

16

(Date)

(Name of Affiant-Please Print or Type)

of Springettsbury Twp. P.D.

(Officer Badge Number/I.D.)

PA0670400

(Identify Department or Agency Represented and Political Subdivision)

(Police Agency or ORI Number)

(Originating Agency Case Number (OCA))

do hereby state: (check appropriate box)

1. ☒ I accuse the above named defendant who lives at the address set forth above
☐ I accuse the defendant whose name is unknown to me but who is described as

☐ I accuse the defendant whose name and popular designation or nickname is unknown to me and whom I have therefore designated as John Doe

with violating the penal laws of the Commonwealth of Pennsylvania at Mail Boxes Etc. 2536 Eastern
(Place-Political Subdivision)

Boulevard in Springettsbury Township

in York County on or about 01/10/01 at approx. 1035 hrs.

Participants were: (if there were participants, place their names here, repeating the name of the above defendant)

Tryone Phillip James

Defendant's Name: Tyrone Phillip James

Docket Number: CR-25-01-400

LTN E 080216-3 CR-0000035-01-201



POLICE CRIMINAL COMPLAINT

2. The acts committed by the accused were:

(Set forth a summary of the facts sufficient to advise the defendant of the nature of the offense charged. A citation to the statute allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section and subsection of the statute or ordinance allegedly violated.)

Criminal Attempt to Possession w/ the Intent to Deliver: Defendant did attempt to possess with the intent to deliver Marihuana, a Schedule I substance, and did take a substantial step toward the commission of said crime, knowing that he was not a practitioner registered or licensed to possess said substance.

all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of

1.	901	(a)	of the	PACC	1
	(Section)	(Subsection)		(PA Statute)	(counts)
2.	780-113	(a)(30)	of the	Act 64	1
	(Section)	(Subsection)		(PA Statute)	(counts)
3.			of the		
	(Section)	(Subsection)		(PA Statute)	(counts)
4.			of the		
	(Section)	(Subsection)		(PA Statute)	(counts)

3. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made. (In order for a warrant of arrest to issue, the attached affidavit of probable cause must be completed and sworn to before the issuing authority.)

4. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 PA.C.S. §4904) relating to unsworn falsification to authorities.

1-10-01
(Date)

Raymond E. Cial
(Signature of Affiant)

AND NOW, on this date, 1/10/2001 I certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed in order for a warrant to issue.

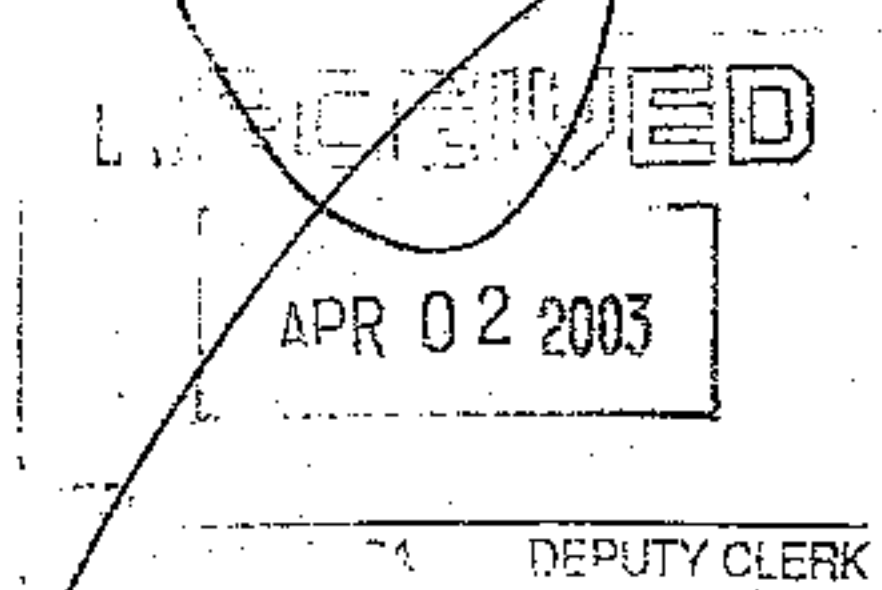
19-2-01
(Magisterial District)

[Signature]
(Issuing Authority)

SEAL

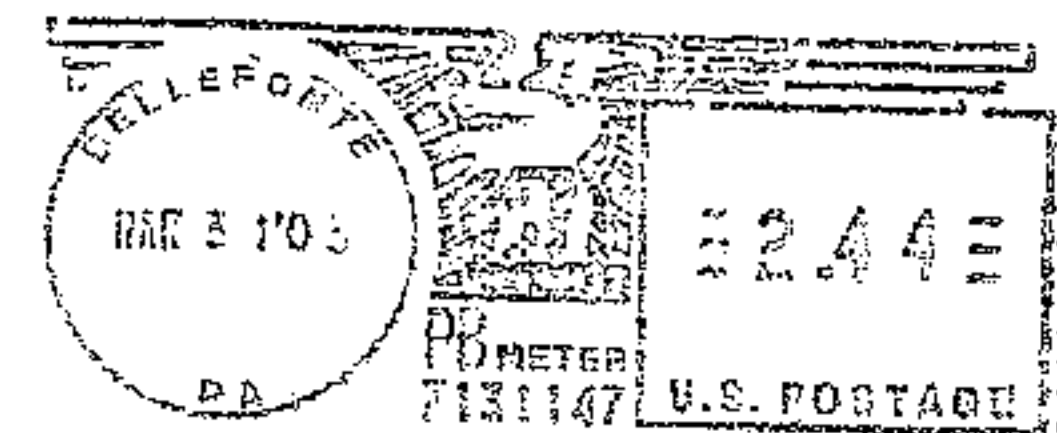
DUPLICATE 19-3-06

TYRONE JAMES
EX9451
P.O. Box A
BELLEFONTE, PA
16823-0820



FILED
HARRISBURG, PA
APR 02 2003
MARYE DANIELA, CLERK
Per Deputy Clerk

INMATE M/
PA DEPT OF
CORRECTIONS



244

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
228 WALNUT STREET, P.O. Box 983
HARRISBURG, PA 17108

Legal Mail

FIRST CLASS MAIL

